

REMARKS

Grammatical and typographical errors have been corrected in the specification.

Claims 8-21 have been canceled without prejudice or disclaimer as being drawn to a non-elected invention. The applicant reserves the right to pursue the canceled claims, as well as claims to any subject matter adequately disclosed in the application, in one or more divisional or continuation applications.

Claims 3 and 7 have been corrected to address matters of form. Claim 1 has been amended to require that the electrodes include a polymer. Support for this can be found in paragraph [0042] of the published patent application. Claim 1 has also been amended to set forth the unit relationships as are shown in scheme 1 and scheme 2 on pages 8 and 11 of the application.

The application now includes claims 1-7.

Claims 1-7 were rejected as being anticipated by PCT Application 02/25764 to McGrath. The rejection is traversed.

The McGrath reference correspondence to US Patent Application 09/956,256 referenced in paragraph [0023] of the published application (now U.S. Patent 7,361,729 to McGrath). As discussed in paragraph [0023], the types of materials used in the claimed membrane electrode assembly, such as for example the proton exchange membrane (PEM), the anode, or the cathode, can be the same as or similar to the materials described in the McGrath reference.

The Examiner reasons that the "Anode and cathode must be considered inherent in the prior art in the proton exchange membrane fuel cells..." (*In re Best* 195 USPQ 430,433). However, claim 7 as originally filed specified that the PEM and the anode or cathode were the same sulfonated copolymer. This is not inherent, as it specifies a particular form for the anode and cathode. In response to the office action, claim 1 has been amended to specify that each of the PEM, anode and cathode include a polymer. Claim 7 remains substantively unchanged in that it requires that the PEM and one of the anode or cathode includes the same sulfonated copolymer.

WO 02/25764 to McGrath does not show or describe a membrane electrode assembly as claimed in claims 1-8. It particularly lacks the features of

claims 1 and 7 noted above. Thus, the rejection should be withdrawn.

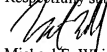
Moreover, the claimed invention would not be obvious over WO 02/25764 to McGrath. The Examiner's attention is directed to paragraphs [0042-0046] and [0048-0052] where it is demonstrated that positioning a polymeric anode or cathode on a PEM poses significant challenges including without limitation being able to apply the electrodes without dissolving or otherwise damaging the PEM.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-7 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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